

REMARKS

Claims 9-11, 16-20, 25-31, 40-44, and 51-53 are pending. Claims 12-15, 21-24, 32-39, and 45-50 are canceled.

Claims 9-11, 16-20, 25-31, 40-44, and 51-53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 2001/0041992, hereinafter "Lewis") and further in view of Yoder et al. ("The MEDIGATE Graphical User Interface for Entry of Physical Findings: Design Principles and Implementation," hereinafter "Yoder"). Applicants respectfully traverse this rejection.

The proposed combination fails to teach each and every element. In particular, Lewis and Yoder fail to teach or suggest a tri-state control to indicate one of three states. Lewis is silent regarding such controls, and Yoder discloses use of two bi-state checkboxes, which yields four states, not three.

Claim 9 is directed to a method for documenting medical findings of a physical examination. The method includes displaying on an interface device a first interface including a first graphical representation of anatomical features, accepting from the user via the interface device a first selection of an anatomical feature based on the first graphical representation of anatomical features, displaying on the interface device a second interface including a second graphical representation of anatomical features and a first set of controls relating to a first plurality of medical conditions in response to accepting the first selection, accepting from the user via the interface device a second selection from the second graphical representation of anatomical features, and displaying on the interface device a third interface including a second set of controls relating to a second plurality of medical conditions. The first set of controls includes a tri-state control configured to indicate one of three states including present, not present, or not entered. The method further includes accepting from the user an indication of not present, the indication resulting from the user selecting the tri-state control twice, and storing data associated with the indication with the first selection. Claim 18 is directed to a device that includes instructions for performing a method similar to that recited in claim 9.

Claim 53 is directed to a method for documenting medical findings of a physical examination. The method includes displaying on an interface device a first interface including a first graphical representation of anatomical features, accepting from the user via the interface device a first selection of an anatomical feature based on the first graphical representation of anatomical features, displaying on the interface device a second interface including a second graphical representation of anatomical features and a first set of controls relating to a first plurality of medical conditions in response to accepting the first selection, accepting from the user via the interface device an indication of not present, the indication resulting from the user selecting a tri-state control twice, combining the first selection and the indication to derive at least one medical finding, accepting from the user via the interface device a second selection from the second graphical representation of anatomical features, and displaying on the interface a third interface including a second set of controls relating to a second plurality of medical conditions.

Turning to the cited references, Lewis is directed to an anatomical user interface for accessing healthcare information for a patient. The anatomical user interface generates an anatomical model of the patient from which the practitioner drills down to and selects an anatomical structure for which the healthcare information is to be accessed. *Lewis*, Abstract.

Yoder is directed to a computer enhanced interactive graphic and textual record of the findings from physical examinations. *Yoder*, Abstract. Yoder states that the starting physical exam window contains a table of contents to which the user has immediate access. Some of the body regions have an "N" in the box to the immediate left. This designates what the physician routinely checks for and defaults to "N" for "Normal." *Yoder*, pg. 330, last paragraph. Yoder provides an example in which, after examination of the abdomen, the physician selects the abdominal region from the examination status window. "This will open to the abdominal frame (see FIG. 2) which defaults to what the physician routinely checks for and finds as 'normal' findings. This physician routinely checks for scars, tenderness, point pain, masses, and guarding. If none of these are present, then they are designated normal (i.e., the 'N' in the box directly left to the finding). If the patient has 'Normal' findings within the abdomen, the physician simply clicks on the box to the left of the 'N,' generating an 'X' to designate by an intentional affirmation that this patient has had all of these findings checked and they were normal." *Yoder*,

pg. 331, last paragraph - pg. 332, first paragraph. The combination of two of the disclosed two-state checkboxes yields four states: {_,N}; {_,P}; {X,N}; and {X,P}. Such a combination of controls is not a tri-state control having three states. Instead, it is two bi-state check-boxes that in combination provide four states.

The use of two bi-state checkboxes in contrast with a single tri-state control presents inefficiencies in data entry, data storage, and review of the data. For example, in the system of Yoder, to designate a problem finding, a user would need to check the first box to provide an "X" and check the second box to change it from an "N" to a "P". Such a two control system leads a user to aim at the first box, check it, aim at the second box and check it. In contrast, using a tri-state control, the user can aim at the control and check it once to designate the presence of a finding or check it twice in quick succession to designate the absence of a finding.

Furthermore, the two checkbox system of Yoder utilizes significantly more storage. In electronic medical record systems that can include over 500,000 different finding types, the two checkbox system has a significant impact on data storage and retrieval.

In addition, visual review of the two checkbox system of Yoder is cumbersome and difficult. The user must review two elements to interpret the meaning. In contrast, the user can readily determine meaning by focusing on a single tri-state control as illustrated in FIG. 1 and FIG. 19 of the present specification.

Neither Lewis nor Yoder disclose a tri-state control. Each of the controls is bi-state check-boxes, i.e., only having two states. Furthermore, Lewis and Yoder fail to teach or suggest selecting such a tri-state control twice in order to indicate the absence of a condition proactively.

In contrast, each of the independent claims 9, 18, and 53 recite a tri-state control to indicate one of three states. At best, Lewis and Yoder disclose bi-state controls and at no point teach or suggest selecting a tri-state control.

For at least the foregoing reasons, claims 9-11, 16-20, 25-31, 40-44 and 51-53 are patentable over Lewis in view of Yoder. As such, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection.

Applicants respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to telephone Applicants' undersigned representative at the number listed below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

November 4, 2010

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Date

Respectfully submitted,

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